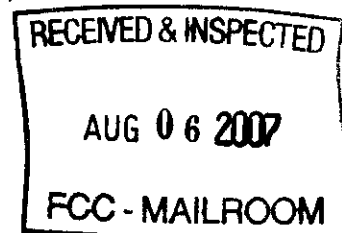


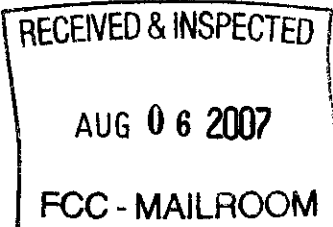
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From: Call Answer, External
Media: Fax 19 pages
Subject:
Status:
Received: 11:38 PM 08/05/07

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Request For Waiver Letter
St. Raymond School BEN 10624
CC Docket No. 02-6 CC Docket 96-45



Request For Waiver

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Name: **St. Raymond School**
BEN: **10624**
FCC Registration #: **0012228425**
Funding Year: **2006-2007**
Application: **514640**
USAC decision Letter: **06/07/2007**

August 5, 2007

Dear Sirs,

This is a letter for a request of a WAIVER regarding the above captioned USAC Notification of Improperly Dispersed Funds Letter regarding the following FRN's:

FRN#: **1416359- Troi.net** "Technology Plan not certified when form 486 was filed."

FRN#: **1416382- Troi.net** "Technology Plan not certified when form 486 was filed."

FRN#: **1416408- Troi.net** "Technology Plan not certified when form 486 was filed."

FRN#: **1416482- Troi.net** "Technology Plan not certified when form 486 was filed."

For all the above FRN's a Technology plan was submitted for certification to the Archdiocese for review and certification on or about January of 2006 by the principal. Upon receipt the Archdiocese reviewed and rejected the Technology Plan since some components did not meet all criteria. However, at this time the school changed principals and the knowledge of a need to revise and resubmit a modified plan did not occur until January 2007 when the new principal reviewed the Technology Plan and its comments from the archdiocese. The plan was approved March 7, 2007.

Request For Waiver Letter
St. Raymond School BEN 10624
CC Docket No. 02-6 CC Docket 96-45

Due to the above circumstance we request a waiver of the rule requiring that a Technology Plan be certified at the time a form 486 was filed. In fact, a Technology Plan was filed and approved within the program year and within the time frame for the above Internal Connections which have a September 30, 2007 installation deadline and a January 2008 invoice deadline.

The FCC has already ruled in:

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Bishop Perry Middle School)	File Nos. SLD-487170, <i>et al.</i>
New Orleans, LA, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

The rest of the petitioners assert a waiver is appropriate for one of two reasons: either someone on the applicants' staff made a mistake or had a family emergency that prevented them from filing on time or the delay in the filing or receipt of the application was due to circumstances out of the applicants' control. Specifically, in the first group, some of these appeals involve applicants whose staff members inadvertently failed to file the application forms in a timely manner.¹ Another group

¹ Request for Waiver of Assabet Valley Regional Vocational School District; Request for Review of Barnwell County School District 45; Request for Review of Bath County School District; Request Waiver of Beavertown Community Library; Request for Review of Brown County School Corporation; Request for Review of Caruthers Unified School District; Request for Review of Central Catholic High School; Application for Review of Chawanakee Joint Elementary School District; Request for Review of Clearwater Memorial Library; Request for Waiver of Clinton County Board of Education; Request for Review of Coahoma County Public Schools; Requests for Review of Consorcio de Escuelas y Bibliotecas; Request for Review and Waiver of CPC Behavioral Healthcare; Request for Review of Delta County School District; Request for Review of Fairfax School District R3; Request for Review of Germantown School District; Request for Waiver of Hawaii State Public Library; Petitioner for Reconsideration of High Bridge Board of Education; Request for Waiver of Holmes District School Board; Request for Review of Hubbard Independent School District; Request for Waiver of Indian Oasis Baboquivari District 40; Request for Waiver of Island Trees Public Library; Request for Waiver of Jefferson School District; Request for Review of Los Alamitos Unified School District; Request for Review of Madera Unified School District; Request for Review of Malone Independent School District; Request for Waiver of McClure Community Library; Request for Waiver of Middleburg Community Library; Request for Waiver of Minnesota Transition School;

Request For Waiver Letter
St. Raymond School BEN 10624
CC Docket No. 02-6 CC Docket 96-45

of petitioners state that they were unable to comply with the filing deadline due to staff illness or relatives of staff members who were ill.² Other petitioners claim that the rules and instructions for filing an FCC

1. Form 471 are vague and unclear and that the resulting misunderstandings led to forms being filed after the filing window.³

And in:

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Requests for Review and Waiver)
of the Decision of the)
Universal Service Administrator by)
)

Request for Waiver of Minnewaska Area Schools; Request for Review of Montfort & Allie B. Jones Memorial Library; Request for Waiver of Mount Ayr Community School District; Request for Waiver of Mount Saint John School; Request for Waiver of Mt. Carroll Township Public Library; Request for Review of Our Lady of Refuge; Request for Waiver of Pinon Dormitory; Request for Waiver of Queen of Apostles Catholic School; Request for Waiver of Richmond Public Library; Request for Review of Rylander Memorial School; Request for Waiver of Selinsgrove Community Library; Petitioner for Reconsideration of Siskiyou County Library; Request for Review of Southeast Delco School District; Request for Review of Southeastern Libraries Cooperating; Request for Review of St. Clement's Regional Catholic School; Request for Review of St. Elizabeth Interparochial School; Request for Waiver of St. Francis of Assisi School; Request for Waiver of SuperNet Consortium; Request for Waiver of Tiverton School Department; Request for Waiver Wabash Valley Educational Center; Request for Review of Wallington Public Schools; Request for Waiver of Walnut Community School District; Request for Waiver of Washington Local School District; Request for Waiver of Westside Holistic Family Services; Request for Review of Whitfield County School District; Request for Waiver of Wilkinson County School District; Request for Review of Wilson Memorial Library.

² Request for Waiver of Augusta County Library; Request for Review of Bonnie Brae Educational Center School; Request for Review of Garvey School District; Request for Waiver of Gaston County School District; Request for Waiver Millennium Community School; Request for Waiver of Northwest Institute for Contemporary Learning, Inc.; Request for Waiver of St. Mary's School; Petition for Reconsideration of Neches Independent School District; Request for Waiver of Unadilla Community School.

³ Request for Waiver of Blackwell Public Schools; Request for Waiver of Brooklyn Jesuit Prep; Request for Review of Cecil County Public Schools; Request for Review of Colleton County School District; Request for Review of Jefferson City School District; Request for Review of Laporte School District 306; Request for Waiver of Nativity Mission School; Request for Review of Pierce City School District R6; Request for Waiver of St. Ignatius Academy.

Request For Waiver Letter
St. Raymond School BEN 10624
CC Docket No. 02-6 CC Docket 96-45

Alaska Gateway School District)	File Nos. SLD-412028, <i>et al.</i>
Tok, AK, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: September 14, 2006

Released: September 14, 2006

2. Based on the facts and the circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 486 for Petitioners. 4 Under Bureau precedent deadlines have been strictly enforced for the E-rate program, including those pertaining to the FCC Form 486.⁵ As we recently noted in *Bishop Perry Middle School*, a departure from required filing deadlines may be warranted upon careful

2 review of the Petitioner's case and when doing so will serve the public interest.⁶ Generally, these applicants claim that staff mistakes or confusion, or circumstances beyond their control resulted in missing the FCC Form 486 deadline.⁷ We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies

⁴Because we waive the FCC Form 486 deadline, applicants should receive funding from their actual service start date. We also direct USAC to waive any of its subsequent deadlines if related to the late-filed FCC Form 486, such as the FCC Form 472 deadline, if necessary for the processing of Petitioners' applications.

⁵See *Requests for Waiver by Lucia Mar Unified School District, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-249712, *et al.*, CC Docket No. 02-6, Order, 19 FCC Rcd. 20364, para. 3 (Wireline Competition Bur. Rel. May 28, 2004); *Request for Review by East Carroll Parish School Board, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-232946, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24591, 24594, para. 7 (Wireline Comp. Bur. 2002).

⁶*Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487170, *et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 5316, para. 9 (rel. May 19, 2006) (*Bishop Perry Middle School*).

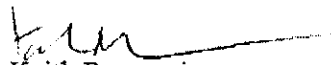
⁷Some Petitioners claim that they postmarked the FCC Form 486 on time. Given that we are waiving USAC's deadline for these applicants who mistakenly or knowingly filed late, we give these Petitioners the benefit of the doubt and, to the extent necessary, waive the FCC Form 486 filing deadline for them as well.

Request For Waiver Letter
St. Raymond School BEN 10624
CC Docket No. 02-6 CC Docket 96-45

may delay filings in the event there is no other person proficient enough to complete the forms.⁸ Furthermore, some of the errors were caused by third parties or unforeseen events and therefore were not the fault of the applicants. Given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.⁹ We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

Therefore we submit that funding for the above FRN's be approved since no core program violations were committed under waste, fraud and abuse parameters and that circumstances beyond the current school administration caused a delay in modifying its Technology Plan which was ultimately approved for which a valid form 486 could have been filed in the event that the Internal Connections were installed after March 6, 2007.

Sincerely,



Keith Pascucci
Administrator

914-497-2571
kpascuch@optonline.net

⁸For example, Western Christian High School's sole Universal Service Fund official suffered a debilitating stroke and was unable to meet the Form 486 deadline. Request for Review by Western Christian High School at 1.

⁹See 47 U.S.C. § 254(h).



Schools & Libraries Division

Notification of Improperly Disbursed Funds Letter

Funding Year 2006: 7/01/2006 - 6/30/2007

June 7, 2007

**Keith Pascucci
ST RAYMOND SCHOOL
2380 E TREMONT AVE
BRONX, NY 10462 6361**

**Re: Form 471 Application Number: 514640
Funding Year: 2006
Applicant's Form Identifier: SR47106-1
Billed Entity Number: 10624
FCC Registration Number: 0012228425
SPIN Name: Trol.net
Service Provider Contact Person: Wayne Royce**

Our routine review of Schools and Libraries Program funding commitments has revealed certain applications where funds were disbursed in violation of program rules.

In order to be sure that no funds are used in violation of program rules, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) must now recover these improper disbursements. The purpose of this letter is to inform you of the recoveries as required by program rules, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the program rule violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error.

This is NOT a bill. The next step in the recovery of improperly disbursed funds process is for SLD to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of the Demand Payment Letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." Please see the "Informational Notice to All Universal Service Fund Contributors, Beneficiaries, and Service Providers" at <http://www.universalservice.org/fund-administration/tools/latest-news.aspx#083104> for more information regarding the consequences of not paying the debt in a timely manner.

TO APPEAL THIS DECISION

If you wish to appeal the Notification of Improperly Disbursed Funds decision indicated in this letter, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Improperly Disbursed Funds Letter and the funding request numbers you are appealing. Your letter of appeal must also include the applicant name, the Form 471 Application Number, Billed Entity Number, and the FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Improperly Disbursed Funds letter that is the subject of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter specific and brief, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal

If you are submitting your appeal electronically, please send your appeal to appeals@sl.universalservice.org using your organization's e-mail. If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Dept. 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC web site or by calling the Client Service Bureau at 1-888-203-8100. We strongly recommend that you use the electronic filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC web site or by calling the Client Service Bureau. We strongly recommend that you use the electronic filing options.

FUNDING DISBURSEMENT REPORT

On the pages following this letter, we have provided a Funding Disbursement Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from the application for which recovery is necessary. Immediately preceding the Report, you will find a guide that defines each line of the Report. The SLD is also sending this information to the service provider for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on these Funding Request Numbers, a separate letter will be sent to the service provider detailing the necessary service provider action. The Report explains the exact amount the applicant is responsible for repaying.

Schools and Libraries Division
Universal Services Administrative Company

cc: Wayne Roye
Troisnet

A GUIDE TO THE FUNDING DISBURSEMENT REPORT

Attached to this letter will be a report for each funding request from the application cited at the top of this letter for which a Recovery of Improperly Disbursed Funds is required. We are providing the following definitions.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each individual request in a Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual discount funding requests submitted on a Form 471.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support programs.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the applicant and the service provider. This will be present only if a contract number was provided on the Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on the Form 471.

SITE IDENTIFIER: The Entity Number listed on Form 471, Block 5, Item 22a. This number will only be present for "site specific" FRNs.

FUNDING COMMITMENT: This represents the amount of funding that SLD had reserved to reimburse you for the approved discounts for this service for this funding year.

FUNDS DISBURSED TO DATE: This represents the total funds that have been paid to the identified service provider for this FRN as of the date of this letter.

FUNDS TO BE RECOVERED FROM APPLICANT: This represents the amount of improperly disbursed funds to date as a result of rule violation(s) for which the applicant has been determined to be responsible. These improperly disbursed funds will have to be recovered from the applicant.

DISBURSED FUNDS RECOVERY EXPLANATION: This entry provides the reason why recovery is required.

**Funding Disbursement Report
for Form 471 Application Number: 514640**

Funding Request Number:	1416359
Services Ordered:	INTERNAL CONNECTIONS MNT
SPIN:	143023196
Service Provider Name:	Troi.net
Contract Number:	SRS2006-02
Billing Account Number:	
Site Identifier:	10624
Funding Commitment:	\$9,396.00
Funds Disbursed to Date:	\$4,698.00
Funds to be Recovered from Applicant:	\$4,698.00

Disbursed Funds Recovery Explanation:

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of review it was determined that the technology plan for this entity was not approved at the time of submission of the Form 486. Program rules require applicants to obtain approval of technology plans by parties qualified to approve technology plans, prior to submitting the Form 486, for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the technology plan needed to be approved prior to submitting the Form 486 or the start of services, whichever was earlier. Since this requirement was not been met USAC will seek recovery of any improperly disbursed funds from the applicant.

Funding Request Number:	1416382
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143023196
Service Provider Name:	Troi.net
Contract Number:	SRS2006-03
Billing Account Number:	
Site Identifier:	10624
Funding Commitment:	\$32,224.95
Funds Disbursed to Date:	\$32,224.95
Funds to be Recovered from Applicant:	\$32,224.95

Disbursed Funds Recovery Explanation:

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of review it was determined that the technology plan for this entity was not approved at the time of submission of the Form 486. Program rules require applicants to obtain approval of technology plans by parties qualified to approve technology plans, prior to submitting the Form 486, for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the technology plan needed to be approved prior to submitting the Form 486 or the start of services, whichever was earlier. Since this requirement was not been met USAC will seek recovery of any improperly disbursed funds from the applicant.

Funding Request Number:	1416408
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143023196
Service Provider Name:	Troi.net
Contract Number:	SRS2006-04
Billing Account Number:	
Site Identifier:	10624
Funding Commitment:	\$4,863.96
Funds Disbursed to Date:	\$4,863.96
Funds to be Recovered from Applicant:	\$4,863.96

Disbursed Funds Recovery Explanation:

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of review it was determined that the technology plan for this entity was not approved at the time of submission of the Form 486. Program rules require applicants to obtain approval of technology plans by parties qualified to approve technology plans, prior to submitting the Form 486, for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the technology plan needed to be approved prior to submitting the Form 486 or the start of services, whichever was earlier. Since this requirement was not been met USAC will seek recovery of any improperly disbursed funds from the applicant.

Keith Pascucci
ST RAYMOND SCHOOL
2380 E TREMONT AVE
BRONX, NY 10462 6361

**Schools & Libraries Division****Notification of Improperly Disbursed Funds Letter****Funding Year 2006: 7/01/2006 - 6/30/2007**

June 7, 2007

**Keith Pascucci
ST RAYMOND SCHOOL
2380 E TREMONT AVE
BRONX, NY 10462 6361**

**Re: Form 471 Application Number: 514872
Funding Year: 2006
Applicant's Form Identifier: SR47106-2
Billed Entity Number: 10624
FCC Registration Number: 0012228423
SPIN Name: Troi.net
Service Provider Contact Person: Wayne Roye**

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1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
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4. Provide an authorized signature on your letter of appeal

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Schools and Libraries Division
Universal Services Administrative Company

cc: Wayne Roye
Troisnet

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DISBURSED FUNDS RECOVERY EXPLANATION: This entry provides the reason why recovery is required.

**Funding Disbursement Report
for Form 471 Application Number: 514872**

Funding Request Number:	1416482
Services Ordered:	INTERNET ACCESS
SPIN:	143023196
Service Provider Name:	Troi.net
Contract Number:	SRS2006-01
Billing Account Number:	
Site Identifier:	10624
Funding Commitment:	\$9,180.00
Funds Disbursed to Date:	\$4,590.00
Funds to be Recovered from Applicant:	\$4,590.00

Disbursed Funds Recovery Explanation:

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of review it was determined that the technology plan for this entity was not approved at the time of submission of the Form 486. Program rules require applicants to obtain approval of technology plans by parties qualified to approve technology plans, prior to submitting the Form 486, for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the technology plan needed to be approved prior to submitting the Form 486 or the start of services, whichever was earlier. Since this requirement was not been met USAC will seek recovery of any improperly disbursed funds from the applicant.



OFFICE OF THE
SUPERINTENDENT OF SCHOOLS

ARCHDIOCESE OF NEW YORK

1011 FIRST AVENUE, NEW YORK, NEW YORK 10022 Phone: (212) 371-1000 Fax: (212) 371-9226

10624

March 6, 2007

Saint Raymond Elementary School
2380 East Tremont Avenue
Bronx, New York 10462
Attn: Sr. Patricia Brito

RE: THREE YEAR APPROVAL

Dear Sr. Patricia:

Thank you for providing a copy of your school's technology plan for review pursuant to the requirements of the Federal Communications Commission (FCC) for schools and libraries seeking approval for Universal Service fund discounts on eligible technology and equipment.

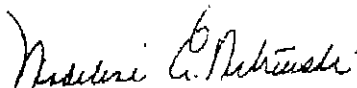
The technology planning information you provided appears to be consistent with the guidelines and criteria currently available from the FCC regarding documentation of sufficient planning effort and commitment to continue enhancement of your institution's technology infrastructure. You should consider receipt of this letter as authorization for confirming review and approval of your technology plan by an appropriate independent entity as required by the FCC. This certification applies only to approval of this technology planning documentation for purposes of application to the Universal Service Discount Fund. On your Form 486, you should indicate in "Block 3: Certification, #7" that your technology plan has been approved by the "Archdiocese of New York". A copy of this letter should be kept on file in case the Schools and Libraries Division requests back up documentation.

10624

Although the basic structure of your technology plan has been approved, you are reminded that E-rate rules require a level of consistency between technology plans and E-rate funding requests that was not subject to review under our approval process.

Best wishes for successful approval of your application for E-Rate discounts on technology services and equipment.

Sincerely,



Madeline A. Mitrevski
Asst. Superintendent, Student Information Systems and
Emergent Technologies
Office of the Superintendent of Schools
Archdiocese of New York

Cc: Keith Pascucci